

U.S. Appln. S.N. 10/828,351  
SECOND PRELIMINARY AMENDMENT

**PATENT**

**IN THE CLAIMS:**

Please cancel claims 1-22 without prejudice or disclaimer, and add new claims 23-31, as set forth below in the listing of all claims which are, or were, in the application:

Claims 1-22 (Canceled).

23. (New) A method of administering a biologically active agent into a human or animal body, wherein said method comprises implanting, injecting, or transmucosally attaching a delivery device, wherein said delivery device comprises a controllably dissolvable silica-xerogel capable of dissolving totally during a desired period when in contact with body fluids, wherein said silica-xerogel is produced by a sol-gel process, and wherein said silica-xerogel contains a biologically active agent.

24. (New) The method of claim 23, wherein the silica-xerogel is a monolith.

25. (New) The method of claim 23, wherein the silica-xerogel is crushed from a monolith.

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26. (New) The method of claim 23, wherein said biologically active agent has been incorporated into the silica-xerogel structure by mixing said agent with the starting materials for the preparation of said silica-xerogel or by adding said agent to the reaction mixture at the sol-stage of the preparation of said silica-xerogel.

27. (New) The method of claim 23, wherein said biologically active agent is a medicine, a protein, a hormone, a living cell, a bacteria, a virus, or a part thereof.

28. (New) The method of claim 27, wherein said biologically active agent is a medicine.

29. (New) The method of claim 28, wherein said medicine is toremifene or an acid addition salt thereof.

30. (New) The method of claim 29, wherein said medicine is toremifene citrate.

31. (New) The method of claim 23, wherein said silica-xerogel comprises elements selected from the group consisting of Na, Ca, P, K, Mg, Cl, Al, B, Ti, Fe, C and any combination thereof.